

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JEREMY M. WINE,

Plaintiff,

v.

C.O. PONTOW, *et al.*

Defendants.

ORDER

08-cv-72-bbc

JEREMY M. WINE,

Plaintiff,

v.

WILLIAM POLLARD, *et al.*

Defendants.

ORDER

08-cv-173-bbc

On November 24, 2008 this court denied plaintiff's motions for extensions of his briefing deadlines in both of these cases, relying on the November 19, 2008 report from the Racine Correctional Institution that plaintiff had been provided access to his legal materials but had refused to accept them, stating that if he could not have all of his property, then he did not want any of it. On November 25, 2008, this court received plaintiff's November 21, 2008 response to RCI's report, in which he claimed that the report was a lie and that RCI staff intentionally was treating him differently from other similarly situated prisoners with regard to his legal materials. *See* dkt. 83 in the '072 case, dkt. 45 in the '173 case.

There is no need to resolve plaintiff's implicit underlying claim of retaliation. At this point, all that is necessary is to deem this letter to be plaintiff's request for his legal materials, which RCI should provide to him with all reasonable haste. If plaintiff wishes to claim retaliation for filing lawsuits, then he has to file a new lawsuit.

Plaintiff's current deadline for responding to defendants' November 10 motion for summary judgment in the '072 case December 10, 2008. I will extend that three weeks, to December 31, 2008, to give plaintiff the benefit of the time lost prior to his current request for

access to his legal materials. Defendants may have until January 14, 2009 within which to file a reply.

There is no summary judgment motion pending in the '173 case and such motions may be filed until December 15, 2008. Therefore, there is no actual need for briefing extensions in that case.

It is ORDERED that plaintiff's motion for an extension in the '072 case is GRANTED IN PART and DENIED IN PART, and his motion for an extension in the '173) is DENIED.

Entered this 1st day of December, 2008.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge